

Art Unit 2651  
Serial No.10/769,386

Reply to Office Action of: 08/22/2005  
Attorney Docket No.: K35A1358

## REMARKS

### AMENDMENTS TO THE CLAIMS:

As required by the Examiner's restriction requirement, Claims 2, 4-5, 11, and 13-14 have been canceled without prejudice or disclaimer and are withdrawn from consideration. Claims 1 and 10 are amended in this response solely to correct typographical errors in the claims as originally filed.

### ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the Examiner's indication that Claims 7 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant agrees that these claims recite allowable subject matter and further maintains that all other pending claims are allowable as well for the reasons that are presented below.

### CLAIM REJECTIONS:

Claims 1, 3, 8-10 and 12 are rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,668,679 issued to Swearingen *et al.* ("*Swearingen*"), while Claims 6 and 15 are rejected under 35 USC 103(a) as being obvious over *Swearingen* in view of U.S. Pat. No. 6,603,622 issued to Christiansen *et al.* ("*Christiansen*"). Applicant respectfully traverses this rejection. Claims 1 and 10 each recite "processing the read signal to detect a sync mark in a spiral track and generating an associated sync mark reliability metric, the sync mark reliability metric representing a probability that the sync mark was detected accurately." *Swearingen* does not describe, either expressly or inherently, the quoted limitation. As noted in the specification of the present Application, *Swearingen* teaches the generation of a servo write clock "by synchronizing a phase-locked loop (PLL) to the missing bits in the spiral tracks" (p. 2, lines 5-6). The portions of *Swearingen* cited by the Examiner to show the recited sync mark reliability metric (in particular, col. 7, lines 5-60; col. 9, lines 15-30; and col. 9, line 63 – col. 10, line 30)

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merely reiterate the techniques used to detect missing bits and to generate a servo write clock from them. But there is no teaching in *Swearingen* about the probability that these missing bits are detected accurately, much less "processing the read signal to detect a sync mark in a spiral track and generating an associated sync mark reliability metric." Indeed, the insensitivity of the servo writing process taught in *Swearingen* to the probability of misdetection of the missing bits is one reason that the performance of the disclosed servo writing process may be degraded in cases when the signal-to-noise ratio is low (see the specification of the present application, p. 2, lines 6-9).

Because *Swearingen* does not describe the quoted limitations of Claims 1 and 10 either expressly or inherently, *Swearingen* does not anticipate these claims. Nor does *Christiansen*, taken alone or in combination with *Swearingen*, provide any additional teaching that would render these claims obvious. Accordingly, Claims 1 and 10 are allowable over the cited references. All other pending claims depend either directly or indirectly on Claims 1 and 10 and are therefore allowable as well. For at least the foregoing reasons, then, Applicants respectfully request reconsideration and allowance of all pending claims.

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### CONCLUSION

In view of the foregoing amendments and/or remarks, Applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Applicant respectfully requests that a three-month Extension of Time under 37 CFR 1.136(a) be granted.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: 2/21/06

By: 

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